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Hutchison Law Group PLLC

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Date: October 27, 2006

**To:** USPTO**Attention:****Fax:** 571 273 8300**Your Ref.:** 10/719,134**From:** Christopher J. Knors**Fax:** +1.919.829.4332**Direct Phone:** +1.919.829.4342**Our Ref.:** UMC.10003**No. Pages:** 5 (incl. this page)**Comments:**

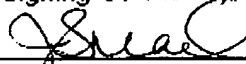
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**Documents enclosed:**

Transmittal Letter (in duplicate)	2 pages
Response to Restriction Requirement	2 pages

Jennie Snead

(Typed Name of Person Signing Certificate)

  
(Signature of Person Signing Certificate)

Date of Signing: October 27, 2006

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PTO/SB/21 (09-06)

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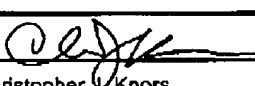
4

Application Number 10/719,134  
Filing Date November 21, 2003  
First Named Inventor Calin WURM  
Art Unit 1754  
Examiner Name Steven J. Bos  
Attorney Docket Number UMC.10003

### ENCLOSURES (Check all that apply)

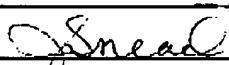
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218. This paper is submitted in duplicate.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hutchison Law Group PLLC		
Signature			
Printed name	Christopher J. Knors		
Date	October 27, 2006	Reg. No.	45,569

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Signature			
Typed or printed name	Jennie P. Snoad	Date	October 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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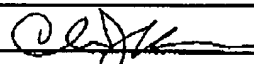
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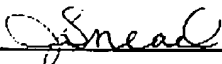
<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/719,134	
	Filing Date	November 21, 2003	
	First Named Inventor	Callin WURM	
	Art Unit	1754	
	Examiner Name	Steven J. Bos	
Total Number of Pages In This Submission	4	Attorney Docket Number	UMC.10003

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-3218. This paper is submitted in duplicate.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Hutchison Law Group PLLC		
Signature			
Printed name	Christopher W. Knors		
Date	October 27, 2006	Reg. No.	45,569

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Signature			
Typed or printed name	Jennie P. Sneed	Date	October 27, 2006

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Patent  
Attorney Docket No. UMC.10003**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Calin WURM et al.

Mail Stop: Amendment

Application No.: 10/719,134

Group Art Unit: 1754

Filing or 371(c) Date: November 21, 2003

Examiner: Steven J. Bos

Title: Lithium Transition-Metal Phosphate  
Powder for Rechargeable Batteries

Confirmation No.: 2228

**RESPONSE TO RESTRICTION REQUIREMENT**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction Requirement mailed October 2, 2006, Applicants elect Group I, claims 1-5, with traverse, for prosecution in the present application.

The Restriction Requirement required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I: Claims 1-5, drawn to a process for making  $\text{LiMPO}_4$  powder, classified in class 423, subclass 306;

Group II: Claims 6-9, drawn to  $\text{LiMPO}_4$  powder, classified in class 423, subclass 306;

Group III: Claims 10-13 drawn to a battery, classified in class 429, subclass 1+;

Group IV: Claims 14-17, drawn to a lithium electrode, classified in class 429, subclass 218.1.

Under 35 U.S.C. § 121, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. However, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. *MPEP* § 803. Without addressing the distinctness between Groups I through IV, Applicants traverse the Restriction Requirement on the grounds that a search of all of the claims would not constitute an undue burden for the following reasons.

Applicants draw the Examiner's attention to the recitations of claims representative of Groups I-IV, which positively recite that  $\text{M}^{n+}$  is one or more of  $\text{Fe}^{2+}$ ,  $\text{Fe}^{3+}$ ,  $\text{Co}^{2+}$ ,  $\text{Ni}^{2+}$ , and  $\text{Mn}^{2+}$ ,